

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Social Welfare Department – Appeal petition filed by Sri. S. Sagar, S/o Subbanna against the Proceedings of the District Collector, Kadapa District –under section 7(2) of Act 16/1993 – Appeal allowed – Orders - Issued.

SOCIAL WELFARE (CV-1) DEPARTMENT

G.O.Ms.No. 78

Dated: 07-07-09.

Read the following:

1. Proceedings of the District Collector, Kadapa Dist. vide Proc. No. C5/224/M/ 2007, Dated: 02.6.2008
2. Appeal Petition of Sri.S.Sagar, S/o S. Subbanna, Kadapa District, dated: 25-07-08
3. Govt. Memo. No. 6382/CV.1/2008-1, Dated 26.9.2008.
4. The Dist. Collector, Kadapa, Ref. C5/930/M/08, dt: 19-01-09.
5. Memo. No. 6382/CV.1/2008-2, Dated: 01-06-2009.

ORDER:

The District Collector, Kadapa District has cancelled the Scheduled Caste (MALA) Certificate of Sri. S. Sagar, S/o Subbanna duly declaring that the individual belongs to Christian Community vide Ref.C5/224/M/07, dated: 02-06-08

2. Aggrieved by the Collectors Proceedings, Sri. S Sagar, S/o Subbanna has filed an appeal petition before Government of Andhra Pradesh pleaded to suspend the Proceedings of the District Collector & Magistrate vide Ref.C5/224/M/07, dated: 02-06-08 on the following grounds:

- a. The orders passed by the District Collector and Magistrate, Kadapa District are opposed to law, weight of evidence and probabilities of the case.
- b. The learned District Collector and Magistrate failed to consider that the petitioner is not belonging to Christian Community.
- c. The father of the appellant herein as well his grand father belonging to Mala Community which is a Scheduled Caste.
- d. The learned District Collector and Magistrate ought to have seen that the District Level Committee has not appreciated the facts correctly and it has acted in one side manner while deciding the issue under enquiry.
- e. The learned Mandal Revenue Officer, Duvvur did not conduct any enquiry and he has submitted the report from his Office only with a malafide intention under pressures from vested interested parties.
- f. The appellant and his family members are not following any Christian Community customs and traditions.
- g. The report submitted by the learned Mandal Revenue Officer is totally false.
- h. The appellant belong to Mala which is Scheduled Caste and he never obtained any false certificate.
- i. The District Collector and Magistrate had passed the said orders erroneously without appreciating the true and correct facts.

3. The Government admitted the appeal petition and obtained the parawise remarks and connected records from the District Collector & Magistrate, Kadapa District vide 4th read above which are as follows:

- (i) The case has not been referred to the PCR (Vigilance Cell) as per judgment of High Court of A.P., Hyderabad, Dt: 07-1-01 in W.P. No. 19577/2000. But directed to examine afresh to finalize the whole issue with in two months period.

(P.T.O.,)

(ii) The case has been placed before the District Level Scrutiny Committee under the Chairmanship of Joint Collector, Kadapa for enquiry. For this enquiry a notice has been given to individual and directed him to appear before District Level Scrutiny Committee. Sri. Sagar deposed Before District Level Scrutiny Committee that he and his parents are following the customs and traditions of Scheduled Caste as Scheduled Caste person like his relative and blood relatives who are continued under Scheduled Caste. The District Level Scrutiny Committee requested the Revenue Divisional Officer Jammalamadugu to enquire and report about the social status of the individual.

(iii) The Revenue Divisional Officer has submitted his reports along with Thasildar's report that the individual's grand father Sri. S. Abraham who had two wives and both the names of the wives were Gresamma and his father Sri. Subbanna who was elder wife's son and belongs Mala (SC) Caste.

4. The case has been taken up for personal hearing before the appellate authority on 27-06-09 and the appellant present before appellate authority and explained his community status.

5. Government after careful examination of records and proceedings of the District collector, Kadapa and grounds of appellant were examined and it is found that as per the records the appellant father belongs to S.C (MALA) and mother belongs to Christian. The Community of the mother is not applicable to the children, only the community of the father is considered on the Judgments of Hon'ble Supreme Court.

6. In view of the above and in exercise of the powers conferred under Section 7(2) of A.P. (SC, ST & B.C. Regulation of issue of community Certificates) Act 16 of 1993, the appeal petition filed by Sri S. Sagar, S/o Sri Subbanna is upheld consequentially the orders of the District Collector of Kadapa in proceedings No. C5/224/M/2007, Dated: 02-06-09 is set aside.

7. The records (containing c.f: 362 pages and n.f: 18 pages) received from the District Collector, Kadapa District, through 4th read above, are returned herewith in original to him and he is requested to acknowledged receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Collector,
Kadapa District (With original records)
Sri.S. Sagar, S/o S.Subbanna,
Duvvur Village and Mandal,
Kadapa Dist – 5161675.

M/S G. Narasimha,
7-140, 1st Floor, Kothapet,
Huda Colony, Behind PVT Market,
Hyderabad-35.

Copy to:

P.S. to M (SW)
P.S. to Principal Secretary (SW)
SF/SC.

//FORWARDED: BY ORDER//

SECTION OFFICER